

# BOARD OF REGISTERED NURSING

## Diversion/Discipline Agenda Item Summary

---

---

**AGENDA ITEM: 9.1**

**DATE:** November 21, 2008

**ACTION REQUESTED:** Information Only: Enforcement Program Update and Statistics

**REQUESTED BY:** Stacie Berumen, Enforcement Program Manager

### **BACKGROUND:**

PROGRAM UPDATE: The board is in the process of adding the conviction question to the renewal form which will ask licensees whether or not they have been convicted of a crime since the last time they renewed their license. The board's request was submitted to the department in mid-August and it is anticipated the requested changes will be implemented with the renewal forms mailed out the end of October 2008 for licenses that are due to expire January 2009.

It is uncertain how many additional complaints will result by asking this question but it is anticipated that this could significantly increase the workload in Enforcement.

STATISTICS: Attached are the Enforcement Program statistics for the first quarter of the fiscal year (July through September 2008).

Early projections show that the number of complaints received could be the highest the board has ever received at 4,304 which is 10% higher than last year's record number of 3,900.

The number of citations issued is projected to increase by over 71% from last year due to licensees who have not complied with their continuing education requirement for license renewal. Additionally, citations could increase for those renewal applicants who fail to disclose a conviction on their application; but their conviction does not rise to the level of pursuing disciplinary action. It should be noted that this increase may be far greater than we are projecting as this is only the first quarter of the fiscal year.

**NEXT STEP:** Continue to monitor statistics due to the projected increase in workload to determine if we will need to pursue a budget change proposal and other avenues for temporary staffing as needed.

### **FINANCIAL IMPLICATIONS, IF ANY:**

None at this time. Once we begin implementing the conviction question on the renewal form we will gather data to determine whether additional staff will be needed.

**PERSON TO CONTACT:** Stacie Berumen, Enforcement Program Manager  
(916) 574-7608

**CALIFORNIA BOARD OF REGISTERED NURSING**  
**ENFORCEMENT STATISTICS**  
September 30, 2008

							Projected FY
DESCRIPTION	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09*	2008-09
Complaints Received	2,993	3,148	3,384	3,361	3,900	1,076	4,304
Referred to Diversion Program	225	256	311	367	332	58	232
Investigations Opened	1,132	2,401	2,312	1,917	2,754	767	3,068
Referred to Attorney General	391	331	562	314	436	120	480
Cases Pending at Attorney General	503	449	670	604	599	618	NA
Petititons to Revoke Probation Filed	30	21	36	44	74	10	40
Accusations Filed	338	216	270	336	404	80	320
Statements of Issues Filed	30	15	22	22	16	3	12
Total Pleadings	398	252	328	402	494	93	372
Orders to Compel Examination (Sec. 820)	8	11	7	5	6	1	4
Interim Suspension Order	3	4	2	3	1	0	0
Criminal Actions Filed	15	54	11	7	23	3	12
Licensee Disciplinary Actions:							
(a) Revocation	117	102	85	101	121	22	88
(b) Probation	149	137	110	120	131	38	152
(c) Suspension/Probation	2	0	3	6	10	0	0
(d) License Surrendered	49	49	36	67	73	18	72
(e) Public Reprimand/Reproval	12	5	8	9	3	1	4
(f) Decisions Other	0	6	2	3	1	2	8
Total, Licensee Discipline	329	299	244	306	339	81	324
Total Cite and Fine Citations Issued*	17	34	1	17	35	15	60
Applicant Disciplinary Actions:							
(a) License Denied	0	25	10	7	17	6	24
(b) License Issued on Probation	19	15	10	15	10	0	0
Total, Applicant Discipline	19	40	20	22	27	6	24
Process Used for Discipline (licensees)							
(a) Administrative Hearing	58	50	34	44	38	10	40
(b) Default Decision	82	73	63	76	101	20	80
(c) Stipulation	189	176	147	186	200	51	204
Total	329	299	244	306	339	81	324

\*Fiscal Year to Date

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline**

**Agenda Item Summary**

---

**AGENDA ITEM: 9.2**  
**DATE: October 16, 2008**

**ACTION REQUESTED:** Information Only: Diversion Program Update and Statistics

**REQUESTED BY:** Carol Stanford, Diversion/Probation Program Manager

**BACKGROUND:**

**Program Update**

The Diversion Program Manager assisted with amendments to SB 1441 regarding the Diversion Program that was signed into law by the Governor on September 28, 2008. In 2009 the Department of Consumer Affairs will develop a Substance Abuse Coordination Committee that will formulate uniform and specific standards for managing substance-abusing licensees. It also requires that all of the Diversion Programs be audited by 2010.

**Contract Update**

On October 3, 2008, a hearing was held in the Superior Court of Sacramento regarding a tentative ruling on the Petition for Writ of Mandate filed by Compass Vision protesting the award of the Diversion Program contract to Maximus. The outcome from the hearing is pending.

**Diversion Evaluation Committees (DEC)**

There are currently six vacancies as follows: five physicians, and one registered nurse. Recruitment efforts continue.

**Statistics**

Attached is the Monthly Statistical Summary Report for July and August 2008. As of August 31, 2008 there were 1,335 successful completions in the Diversion Program.

**NEXT STEP:** None

**FINANCIAL  
IMPLICATIONS,  
IF ANY:**

None

**PERSON TO CONTACT:** Carol Stanford  
Diversion/Probation Program Manager  
(916) 574-7616

**BOARD OF REGISTERED NURSING  
DIVERSION PROGRAM  
STATISTICAL SUMMARY  
July and August 2008**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
<b>INTAKES COMPLETED</b>	30	30	3,722
<b>INTAKE INFORMATION</b>			
Female	20	20	2941
Male	10	10	781
Average Age	35-39		
Most Common Worksite	Hospital		
Most Common Specialty	Medical/Surgical		
Most Common Substance Abused	Alcohol/Dilaudid		
<b>PRESENTING PROBLEM AT INTAKE</b>			
Substance Abuse (only)	19	19	2,480
Mental Illness (only)	1	1	136
Dual Diagnosis	10	10	1067
Undetermined	0	0	0
<b>REFERRAL TYPE*</b>			
Self	16	16	2501
Board	14	14	1221
*May change after Intake			
<b>ETHNICITY (IF KNOWN) AT INTAKE</b>			
Asian	1	1	69
African American	0	0	117
Hispanic	0	0	124
Native American	0	0	23
Pacific Islander	1	1	10
Caucasian	28	28	3048
Other	0	0	56
Not Reported	0	0	275
<b>CLOSURES</b>			
Successful Completion	16	16	1335
Failure to Derive Benefit	1	1	97
Failure to Comply	6	6	864
Moved to Another State	0	0	54
Not Accepted by DEC	0	0	36
Voluntary Withdrawal Post-DEC	2	2	263
Voluntary Withdrawal Pre-DEC	4	4	373
Closed Public Risk	3	3	112
No Longer Eligible	0	0	8
Client Expired	0	0	31
<b>TOTAL CLOSURES</b>	32	32	3173
<b>NUMBER OF PARTICIPANTS: 442 (as of September 1, 2008)</b>			

## BOARD OF REGISTERED NURSING

### Diversion/Discipline Agenda Item Summary

---

**AGENDA ITEM:** 9.3  
**DATE:** October 16, 2008

**ACTION REQUESTED:** Information Only: Probation Program Update and Statistics

**REQUESTED BY:** Carol Stanford, Diversion/Probation Program Manager

#### **BACKGROUND:**

##### **Program Update**

The BRN has had to monitor over 470 in-state probationers with only four probation monitors. There are also an additional 167 probationers living out-of state whose cases are currently tolled. The addition of Elizabeth as a probation monitor will help alleviate some of the caseload of the other monitors in the program.

Of the in-state cases being monitored, 84 of the probation cases are currently referred to the Attorney General's Office for additional disciplinary actions and 36 have been disciplined since January 2008.

##### **Statistics**

Below are the current statistics for the Probation Program through October 6, 2008.

MALE	120
FEMALE	357
CHEMICAL DEPENDENCY CASES	266
PRACTICE CASES	160
SOUTHERN CALIFORNIA	242
NORTHERN CALIFORNIA	235
PENDING AT THE AG	84
ADVANCED CERTIFICATES	38
REVOKED OR SURRENDERS (July – Oct. 6. 2008)	12
<b>TOTAL IN-STATE PROBATIONERS</b>	<b>477</b>

**NEXT STEP:**

None

**FINANCIAL  
IMPLICATIONS, IF ANY:**

None

**PERSON TO CONTACT:**

Carol Stanford, Diversion/Probation Program Manager  
(916) 574-7616

## BOARD OF REGISTERED NURSING

### Diversion/Discipline Agenda Item Summary

---

**AGENDA ITEM:** 9.4**DATE:** November 21, 2008

**ACTION REQUESTED:** Approve/Not Approve: Diversion Evaluation Committee  
Member/Transfer

**REQUESTED BY:** Carol Stanford, Diversion/Probation Program Manager

**BACKGROUND:**

In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

**(a) APPROVE/NOT APPROVE: Diversion Evaluation Committee Member Appointment**

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Frank Hall	Nurse	North Coast	11

**Diversion Evaluation Committee Member Transfer**

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Deborah Steele	Nurse	Fresno	5

**(b) INFORMATION ONLY:**

**Diversion Evaluation Committee Member Resignation**

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Elizabeth Andal	Nurse	Fresno	5

**NEXT STEP:** Continue recruiting efforts

**FINANCIAL  
IMPLICATIONS:** None

**PERSON TO CONTACT:** Carol Stanford, Diversion/Probation Program Manager  
(916) 574-7616